

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY
CAMDEN VICINAGE

SUSAN DOHERTY,
*on behalf of herself, and all other
similarly situated*

Plaintiff,

v.

THE HERTZ CORPORATION, et al.,

Defendants.

Civil No. 10-359-NLH-KMW

DWIGHT SIMONSON,
*individually and on behalf of all others
similarly situated*

Plaintiff,

v.

THE HERTZ CORPORATION, et al.,

Defendants.

Civil No. 10-1585-NLH-KMW

AMENDED SCHEDULING ORDER

This Amended Scheduling Order confirms the request of all parties for a 60 day extension to the deadlines set forth in the March 22, 2012 Amended Scheduling Order;

IT IS this **10th** day of **May, 2012**, hereby **ORDERED**:

1. Pretrial factual discovery is hereby extended to **September 17, 2012**. All pretrial discovery shall be concluded by that date. All discovery motions and applications pursuant to L. Civ. R. 37.1(a)(1) shall be made returnable before the expiration of pretrial factual discovery.

2. **Depositions.** All depositions are to be conducted in accordance with the procedures set forth in the order of Judge Gawthrop, in Hall v. Clifton Precision, 150 F.R.D. 525 (E.D.Pa. 1993).

The Court shall not permit at trial any witness testimony by video unless the witness is unavailable as set forth in FED. R. Civ. P. 32(a)(4).

3. Plaintiff shall file their Motion for Class Certification on or before **October 15, 2012**.

4. All expert reports and expert disclosures pursuant to FED. R. Civ. P. 26(a)(2) on behalf of plaintiff shall be served upon counsel for defendant not later than **November 13, 2012**. All expert reports and expert disclosures pursuant to FED. R. Civ. P. 26(a)(2) on behalf of defendants shall be served upon counsel for plaintiff not later than **December 31, 2012**. Each such report should be accompanied by the curriculum vitae of the proposed expert witness. No expert opinion testimony shall be admitted at trial with respect to any witness for whom this procedure has not been timely followed. Depositions of proposed expert witnesses shall be concluded by **February 28, 2013**.

For purposes of this Scheduling Order, treating physicians shall not be considered expert witnesses and shall be treated as fact witnesses who are, however, required to provide reports and records concerning their treatment. However, any doctor who is going to express an opinion as to the cause of a particular condition or as to the future prognosis of a particular condition, shall be considered an expert subject to the requirement of FED. R. Civ. P. 26(a)(2)(B).

The parties shall also exchange, in accordance with the foregoing schedule, written statements identifying all opinion testimony counsel and the parties anticipate will be presented at trial pursuant to F. R. EVID. 701 and Teen-Ed v. Kimball International, Inc., 620 F.2d 399 (3d Cir. 1980).

The Court shall not permit at trial any witness testimony by video unless the witness is unavailable as set forth in FED. R. Civ. P. 32(a)(4).

5. **Dispositive Motions.** Dispositive motions shall be filed with the Clerk of the Court no later than **April 11, 2013**. Opposition to the motion should be served in a timely fashion. Counsel are to follow L. Civ. R. 7.1, 7.2, 56.1 and 78.1 (Motion Practice - Generally).

6. The telephone status conference scheduled for July 9, 2012 at 11:30 a.m. is hereby adjourned. The Court will conduct a telephone status conference on September 5, 2012 at 2:00 p.m. Counsel for Plaintiff shall initiate the telephone call.

7. Any application for an extension of time beyond the deadlines set herein shall be made in writing to the undersigned and served upon all counsel prior to expiration of the period sought to be extended, and shall disclose in the application all such extensions previously obtained, the precise reasons necessitating the application showing good cause under FED. R. CIV. P. 16(b), and whether adversary counsel agree with the application. The schedule set herein will not be extended unless good cause is shown.

**THE FAILURE OF A PARTY OR ATTORNEY TO OBEY THIS ORDER MAY
RESULT IN IMPOSITION OF SANCTIONS UNDER FED. R. CIV. P. 16(f).**

s/ Karen M. Williams
KAREN M. WILLIAMS
United States Magistrate Judge

cc: Hon. Noel L. Hillman